

HEARING ON COMPLIANCE WITH COMMITTEE OVERSIGHT

HEARING BEFORE THE SUBCOMMITTEE ON RESPONSIVENESS AND ACCOUNTABILITY TO OVERSIGHT OF THE COMMITTEE ON THE JUDICIARY U.S. HOUSE OF REPRESENTATIVES ONE HUNDRED EIGHTEENTH CONGRESS FIRST SESSION

THURSDAY, JUNE 22, 2023

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HEARING ON COMPLIANCE WITH COMMITTEE OVERSIGHT

Thursday, June 22, 2023

HOUSE OF REPRESENTATIVES

SUBCOMMITTEE ON RESPONSIVENESS AND ACCOUNTABILITY
TO OVERSIGHT

COMMITTEE ON THE JUDICIARY

Washington, DC

The Subcommittee met, pursuant to notice, at 2:23 p.m., in Room 2237, Rayburn House Office Building, Hon. Ben Cline [Chair of the Subcommittee] presiding.

Present: Representatives Cline, Van Drew, Moran, Lee, Swalwell, and Ivey.

Mr. CLINE. The Subcommittee will come to order.

Without objection, the Chair is authorized to declare a recess at any time.

Welcome, everyone, to today's "Hearing on Compliance With Committee Oversight."

I would like everyone to stand for the pledge.

ALL. I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

Mr. CLINE. All right. That is the first time a Subcommittee has probably ever been gaveled in by cell phone.

Here's the gavel.

Mr. SWALWELL. Next time will be AI.

Mr. CLINE. That's right.

I will now recognize myself for an opening statement.

Welcome, everyone, to the third Hearing of the Subcommittee on Responsiveness and Accountability to Oversight.

Today, the Subcommittee will work to get answers directly from representatives from the Department of Justice and the Department of Homeland Security.

We also invited the Departments of State and Health and Human Services to testify today, and we are disappointed that these two agencies are not here to answer our questions, especially since the State Department has failed to produce documents pursuant to the Committee's subpoena. We look forward to their testimony in July.

We also look forward today to engaging with the witnesses that have appeared to discuss the productions we have received to date and the status of our other outstanding requests.

Since the beginning of the Biden Administration, Committee Republicans have made over 100 different requests for information and documents concerning the operations and actions of the Justice Department. The Committee has also made many requests for information and documents concerning the operations and actions of the FBI and DHS. The Committee has reiterated these requests for information and documents to all three agencies multiple times.

On February 2, 2023, Chair Jordan issued subpoenas to Attorney General Garland and FBI Director Wray regarding the use of Federal law enforcement and counterterrorism tools to investigate concerned parents at school board meetings. To date, the responses to these subpoenas have been deficient and overdue. While the FBI has produced some documents to the Committee and made other documents available for review, questions remain, and the Committee awaits the Bureau's next production.

On April 10, 2023, Chair Jordan issued another subpoena to Director Wray, concerning the FBI's anti-Catholic memo, which equated Catholics to violent extremists. The FBI's production to this subpoena has been deficient to date, and the FBI still needs to produce certain documents to the Committee pursuant to that subpoena, such as information regarding the genesis of the memorandum.

On April 28, 2023, Chair Jordan issued a subpoena to Director Easterly to investigate the nature and extent of the Cybersecurity and Infrastructure Agency, or CISA's, interactions with companies and groups over content moderation. CISA's response to date—a mere 200 pages that is extremely limited in scope—has been wholly incomplete and inadequate.

The Department of Homeland Security is also here today because of multiple outstanding requests regarding immigration policies and actions. At the DHS oversight hearing on April 28, 2022, then-Ranking Member Jordan asked Secretary Mayorkas whether 42 individuals on the Terrorist Screening Data base who were encountered at our Southwest border were released into the United States. Secretary Mayorkas promised a response over a year ago that never came despite Chair Jordan sending several followup letters, including two this year.

On November 22, 2022, the Committee requested detailed information from DHS regarding the illegal categorical parole program created for Venezuelan nationals. Committee staff also requested the same information and documentation for the Cuban, Haitian, and Nicaraguan parole programs. To date, the Committee has not received a substantive response to its requests regarding DHS's illegal categorical parole programs.

The department is also violating several laws mandating that those certain reports be sent to Congress. The Border Security Metrics Report for Fiscal Year 2022 is over eight months late. By failing to follow the law on this report, Congress does not know the number of gotaways, turnbacks, and the unlawful border crossing effectiveness rate during the worst border crisis in our Nation's history.

The estimate-of-required-detention-space report is required by law to be submitted to Congress every six months. According to DHS, this detention report was “discontinued,” despite still being required by current law.

While these agencies have begun to produce some documents to our other requests, the Committee continues to have concerns about the responsiveness of the agencies. For example, in response to a recent request from the Committee, the Department of Justice indicated that it will not be complying with our request. Rather, the department will instead, quote, “speak through its court filings.”

These hearings play a critical role in assisting the Committee in its oversight obligations, which in turn allows the Committee to examine potential legislative changes within our jurisdiction—and, I might add, appropriations decisions.

The courts have recognized that Congress’s power to conduct oversight is an indispensable component of our authority to legislate. Without the information that the Committee needs from the administration, we cannot do our jobs.

We look today to engaging with the witnesses who have appeared to discuss the productions we have received to date and to discuss the status of our other outstanding requests.

I now recognize the Ranking Member, Mr. Swalwell, for an opening statement.

Mr. SWALWELL. I thank the Chair.

I just want to level-set what this is really about. It’s about the client that the Law Firm of Insurrection, LLP, Chaired by Jim Jordan, represents: That’s Donald Trump. It’s a firm with just one client.

So, we’re here today because Donald Trump has been indicted, 37 counts, for stealing and sharing classified information. So, this an effort to defend him in the court of public opinion, to taint the jury in the case against him.

It’s pretty rich to me that Jim Jordan is 400-plus days into being in violation of his own subpoena and we’re hearing about lawlessness and violations of the law. I couldn’t think of a greater prerogative Congress has than its oversight capabilities and making sure its subpoenas mean something.

So, to our witnesses today, thank you for doing what Chair Jim Jordan was not willing to do, which was to show up in response to a request from Congress. So, he continues to be in violation of the law; you show up and honor the law.

I have to say—and I think Chair Jordan will appreciate this—this is getting a little embarrassing, and it feels a little bit like the 2017 Cleveland Browns. You know how many games they won in 2017? Zero. They were 0 and 16. So, they’d suit up every game, they’d say the pledge, they’d take the field, and everyone was really rooting for them because they were told, as fans, that they’re gonna win. They kept losing, and they kept losing, and they kept losing.

So, I’m embarrassed for Chair Jordan. Because we were promised that the crime of the century was coming from John Durham, and then we learned that John Durham took two cases to trial, and he lost both of them.

Then we were promised that Hunter Biden was going to go down for fraud, money laundering, and all this salacious stuff. Then we learned the Trump-appointed attorney where half the investigation was conducted under the Trump Administration indicted Hunter Biden for failure to pay taxes that he ultimately ended up paying.

The Weaponization Committee—I don't know if you remember them; we haven't had a hearing in over a month from them—again, has failed to prove anything other than it's just an obstruction-of-justice effort on behalf of Donald Trump.

So, Chair Jordan's Committee is starting to look like the Cleveland Browns, and it's just goose egg after goose egg.

So, we'll sit here, and we'll go through it. I know one of the issues is around the Mar-a-Lago search. So, what I want to know from Chair Jordan is, he used to love Bill Barr. Chair Jordan was thirsty for Bill Barr.

We saw it and we heard it throughout so many Congressional hearings. "Thank God for Bill Barr," he said on September 12, 2019. On June 24, 2020: "Bill Barr is doing the Lord's work." On April 10, 2019, Jim Jordan again: "Bill Barr is pursuing the truth—exactly what Americans want from their Attorney General."

Now, if you're tracking, Bill Barr no longer is defending or doing the bidding of Donald Trump. In fact, as it relates to Mar-a-Lago, Bill Barr has said,

The effort to present Trump as a victim in the Mar-a-Lago document affair is cynical political propaganda.

Barr said earlier this month, "Trump's toast." Then Barr also said, "The government acted responsibly, and it was Donald Trump who acted irresponsibly."

So, my question for Jim Jordan is: If this investigation of Donald Trump is good enough for Bill Barr, who you love, why is it not good enough for you? Why are we going through this and dragging the department in, if somebody that you love, who's doing the Lord's work, says that the investigation is valid?

By the way, we are defending all of this—and if we could show the next slide—the person, the client that's being defended, the actions are actually quite indefensible. This is what he wants, because this is what he posted this morning.

Donald Trump said,

CONGRESS, PLEASE INVESTIGATE THE POLITICAL WITCH HUNTS AGAINST ME CURRENTLY BEING BROUGHT BY THE CORRUPT DOJ AND FBI, WHO ARE TOTALLY OUT OF CONTROL. THIS CONTINUING SAGA IS RETRIBUTION AGAINST ME FOR WINNING AND, EVEN MORE IMPORTANTLY TO THEM, ELECTION INTERFERENCE REGARDING THE 2024 PRESIDENTIAL ELECTION. IT WILL BE THERE UPDATED FORM—spelling not necessarily correct—OF RIGGING OUR MOST IMPORTANT ELECTION. LOOK AT THE POLLS—THEY CAN'T BEAT ME (MAGA!) AT THE BALLOT BOX, THE ONLY WAY THEY CAN WIN IS TO CHEAT. STOP THEM NOW!

"Stop them now." That's what this is. This is an effort to just follow the tweets that their client is sending them.

By the way, we know what they think of law enforcement because their colleague—you can go to the next one—continues to post this. This is one of the colleagues who's joining the show here. There's not a respect for laws or law enforcement. They want to defund the FBI. They raised money off of defunding the FBI.

So, again, we'll sit here for another Browns loss, but it's just too bad that the country's going to have to go through this when we're seeing healthcare not being addressed, our kids in classrooms not being protected, not taking on a climate chaos crisis across the globe. So many things people want us to focus on, and we're just going to do the bidding for Insurrection, LLP, for the client Donald Trump.

I yield back.

Mr. CLINE. Without objection, all other opening statements will be included in the record.

Mr. CLINE. We will now introduce today's witnesses.

First, the Hon. Zephrairie Buetow. Ms. Buetow is the Assistant Secretary for the Office of Legislative Affairs at the Department of Homeland Security. She is the primary liaison to Congress and responds to inquiries from Congress; notifies Congress about the department's initiatives, policies, and programs; and advises the department's senior leadership about the activities of Congress.

The Hon. Carlos Uriarte. Mr. Uriarte is the Assistant Attorney General for the Office of Legislative Affairs in the Department of Justice. He is the leader of the component responsible for managing the department's relationship with Congress.

We welcome our witnesses and thank them for appearing today.

We will begin by swearing you in. Please rise and raise your right hand.

Do you swear or affirm, under penalty of perjury, that the testimony you're about to give is true and correct, to the best of your knowledge, information, and belief, so help you God?

Let the record reflect that the witnesses have answered in the affirmative.

Thank you. You can be seated.

Please know that your written testimony will be entered into the record in its entirety. Accordingly, we ask that you summarize your testimony in five minutes.

Ms. Buetow, you may begin.

STATEMENT OF THE HON. ZEPHRANIE BUETOW

Ms. BUETOW. Thank you, Mr. Chair.

Chair Cline, Ranking Member Swalwell, and distinguished Members of the Subcommittee, I am honored to appear before you today. My name is Zephrairie Buetow, and I serve as Assistant Secretary for Legislative Affairs at the Department of Homeland Security, or DHS.

With nearly a decade of experience on Capitol Hill, I have a deep appreciation for the important work of Congress and a true respect for its oversight responsibilities. Congressional oversight is vital to our functioning democracy.

The Congressional affairs teams across DHS primarily consist of dedicated career public servants. The teams work tirelessly to respond to oversight requests, constituent casework, and other time-sensitive matters.

The Department of Homeland Security is subject to oversight from over 70 Congressional Committees and Subcommittees. Since January 20, 2021, the department has responded to over 1,400 Congressional letters.

During the 117th Congress, DHS participated in 123 Congressional hearings and over 4,500 non-hearing engagements, such as codels, staffdels, demonstrations, site visits, and roundtables.

In the first few months of the 118th Congress, the department received over 200 Congressional letters, including a significant number of expansive requests for information and documents. Additionally, DHS provided 45 witnesses to 30 hearings and participated in over 1,200 briefings and other nonhearing engagements.

We are making great efforts to meet the increased oversight demands from Congress, all while balancing, as the Constitution envisions, the legitimate oversight interests of Congress with the department's law enforcement and national security responsibilities and the confidentiality interests of the Executive Branch.

DHS depends on subject-matter experts throughout the department for the information needed to provide accurate and complete responses to Congressional inquiries. Not surprisingly, these efforts are often the same leaders and operators performing the department's many critical functions. As a result, the information needed may not always be available within the timetable requested.

In some cases, operational dynamics or the need for interagency coordination may delay or limit responses. To that end, we conduct regular meetings with DHS offices and components to work collaboratively to respond to Congressional requests.

The Committee indicated that today's hearing would examine responses to its oversight requests. Since the beginning of the 118th Congress, the Committee has sent eight document-request letters to the department and its components, some of which incorporate or reference requests that were made last Congress.

The department is complying with the Committee's requests in good faith, consistent with the accommodations process. To date, the department has produced over 2,200 pages of documents responsive to the letters received during this Congress, as well as over 500 pages responsive to requests made during the previous Congress.

We are continuing to review potentially responsive records and will produce additional records, as appropriate, as they become available.

We are committed to cooperating with the Committee's legitimate efforts to seek information, consistent with our obligations under the Constitution. We look forward to continued engagement with the Committee and thank you for your partnership and service to the American people.

I look forward to answering your questions.

Thank you.

[The prepared statement of the Hon. Buetow follows:]



TESTIMONY OF

Zephrañie Buetow
Assistant Secretary
Office of Legislative Affairs
U.S. Department of Homeland Security

BEFORE

Committee on the Judiciary
Subcommittee on Responsiveness and Accountability to
Oversight
United States House of Representatives

ON

“Hearing on Compliance with Committee Oversight”

June 22, 2023
Washington, DC

Chairman Cline, Ranking Member Swalwell, and distinguished Members of the Subcommittee:

I am honored to appear before you today. My name is Zephrañe Buetow and I serve as the Assistant Secretary for Legislative Affairs at the Department of Homeland Security – or DHS. With nearly a decade of experience on Capitol Hill, I have a deep appreciation for the important work of Congress and a true respect for its oversight responsibilities. Congressional oversight is vital to our functioning democracy.

The congressional affairs teams across DHS – who are mostly dedicated career public servants – work tirelessly to respond to oversight requests, constituent casework, and other time-sensitive matters. Since January 20, 2021, the Department has responded to over 1,400 congressional letters. During the 117th Congress, DHS participated in 123 congressional hearings and over 4,500 non-hearing engagements, such as CODELs, STAFFDELS, demonstrations, site visits, and roundtables. In the first few months of the 118th Congress, the Department has received over 200 congressional letters, including a significant number of expansive requests for information and documents. Additionally, DHS has provided 45 witnesses to 30 hearings, and participated in over 1,200 briefings and other non-hearing engagements since the beginning of this Congress. We are making great efforts to meet the increased oversight demands from Congress.

In addressing the large volume of requests, we must balance the legitimate oversight interests of Congress with the Department's law enforcement and national security responsibilities and the Executive Branch's confidentiality interests. DHS depends on subject matter experts throughout the Department for the information needed to provide accurate and complete responses to congressional inquiries. Not surprisingly, these experts are often the same leaders and operators performing the Department's many critical missions. As a result, information needed may not always be available within the timetable requested. In some cases, operational dynamics or the need for interagency coordination may delay or limit responses. To that end, we conduct regular meetings with DHS offices and components to work collaboratively to respond to congressional requests.

The Committee indicated this hearing would examine responses to its oversight requests. Since the beginning of the 118th Congress, the Committee has sent eight document request letters to the Department and its components, some of which incorporate or reference a number of requests that were made in the last Congress. The Department is complying with the Committee's requests voluntarily and in good faith consistent with the accommodation process. To date, the Department has produced over 2,200 pages of documents responsive to the letters received during this Congress as well as over 500 pages responsive to requests made during the prior Congress – and provided multiple substantive written responses to the Committee's letters. We will continue to review potentially responsive records and will produce any additional records, as appropriate, as they become available.

We are committed to cooperating with the Committee's legitimate efforts to seek information, consistent with our obligation to protect the Executive Branch's confidentiality and other interests. We look forward to continued engagement with the Committee. Thank you for your partnership in service to the American people. I look forward to answering your questions.

Mr. CLINE. Thank you, Ms. Buetow.
Mr. Uriarte, you may begin.

STATEMENT OF THE HON. CARLOS URIARTE

Mr. URIARTE. Chair Cline, Ranking Member Swalwell, and distinguished Members of this Subcommittee, thank you for the opportunity to appear before you today for a second time this Congress.

When I last appeared before you, in March, I committed to working with the Committee in the tradition of accommodation and good faith. Since then, the department has worked every day to meet that commitment by keeping open the lines of communication and by continuing to respond to your oversight requests.

I'd like to start today by talking about the important role of the Office of Legislative Affairs and why I agreed to serve as Assistant Attorney General.

As a former Congressional staffer, I believe transparency and accountability improve the operations of the Department of Justice. I also respect the important and distinct institutional roles that both Congress—to conduct oversight of the Executive Branch—and the Department of Justice play—in its part, to protect the integrity of its prosecutorial law enforcement efforts.

I believe my role is to build bridges across these differences, to reach compromise on oversight matters, and to collaborate with you and your colleagues on legislation that helps the American people.

This includes working to fulfill the department's robust legislative agenda, consistent with the Attorney General's mission to uphold the rule of law, to keep our country safe, and to protect civil rights.

I'd like to raise three of these items with you today: Reauthorizing Section 702 of the Foreign Intelligence Surveillance Act, or FISA; the department's investments in State and local law enforcement through our various grant programs; and the department's Fiscal Year 2023 budget.

This year, Congress is tasked with reauthorizing FISA Section 702. As a vital national security tool, Section 702 has been used to stop ransomware attacks, like Colonial Pipeline, and helps us combat international fentanyl trafficking.

While the value of Section 702 has been well-documented, we also recognize the need to work with Congress on commonsense reforms that will assure the American people that this tool will be used appropriately. I am confident that, by working together, we can reauthorize Section 702 and retain this essential national security tool.

Second, on a local scale, the department proudly champions grants in each and every one of your districts. In 2022, the department awarded more than \$4.9 billion in grants to communities across the country. In 2023, we plan to award more than \$6 billion. These grants directly support State and local law enforcement and make your communities safer by combating violent crime and gun violence.

Third, the critical work of the department would not be possible without funding provided by Congress. In 2023, the department saw an increase in programmatic funding for the first time in

years. This allowed us to make significant strides in fulfilling the department's mission.

As the Attorney General stated before the Appropriations Subcommittee, we have serious concerns that any cuts to our budget will result in fewer Federal prosecutors addressing violent crime in our communities, fewer DEA agents fighting the fentanyl crisis, and fewer grants to support State and local law enforcement. Overall, budget cuts would have a significant negative impact on public safety.

These are just some of the legislative issues that I and my small but mighty team of dedicated attorneys and support staff are responsible for managing.

In addition to these priorities, we also spend a significant amount of time working with you and your staff on oversight requests. In the last six months, in response to multiple committees on both sides of the Capitol, the department and our components have testified at over 30 hearings, provided more than 70 briefings, and sent over 200 letters in response to hundreds of requests.

For the House Judiciary Committee alone, the department and its components have produced more than 82,000 pages of documents, made eight current employees available for nine transcribed interviews, and provided or agreed to provide testimony by senior department officials at multiple oversight hearings.

As I testified to you in March, to work most efficiently and effectively, the accommodation process must be a joint effort between me and you, our staff, collaboratively. We can best meet your needs and prioritize your requests if there are open and clear lines of communication between us, and I am hopeful today can be part of that dialog.

In closing, I want to State on behalf of myself and the department that we value your partnership in working toward legislation that enriches the lives of your constituents. As a former Congressional staffer, I believe Congressional oversight is an important part of our system of government.

I remain optimistic that, by working together, we will be able to satisfy the Committee's oversight needs while safeguarding the integrity of the department's vital law enforcement efforts and prosecutorial responsibilities.

Thank you, and I look forward to a productive discussion today.
[The prepared statement of the Hon. Uriarte follows:]



Department of Justice

STATEMENT OF

CARLOS FELIPE URIARTE
ASSISTANT ATTORNEY GENERAL
OFFICE OF LEGISLATIVE AFFAIRS

BEFORE THE SUBCOMMITTEE ON RESPONSIVENESS AND ACCOUNTABILITY
TO OVERSIGHT
COMMITTEE ON THE JUDICIARY

“HEARING ON COMPLIANCE WITH COMMITTEE OVERSIGHT”
U.S. HOUSE OF REPRESENTATIVES

PRESENTED
JUNE 22, 2023

**Statement of Carlos Felipe Uriarte
Assistant Attorney General, Office of Legislative Affairs
U.S. Department of Justice**

**Before the Subcommittee on Responsiveness and Accountability to Oversight
Committee on the Judiciary**

**“Hearing on Compliance with Committee Oversight”
U.S. House of Representatives
June 22, 2023**

Good afternoon, Chairman Cline, Ranking Member Swalwell, and distinguished Members of the Committee. I appreciate the opportunity to appear before you again today to discuss the continued efforts of the Department of Justice (Department) and its components to respond to information requests from the Committee on the Judiciary (Committee) since the beginning of the 118th Congress.

We share your belief that congressional oversight is vital to a well-functioning democracy. We are committed to cooperating with the Committee’s legitimate efforts to seek information in aid of its legislative needs, consistent with our obligation to protect Executive Branch confidentiality and other institutional interests. The Department appreciates that oversight is a critical aspect of the legislative process. Congressional committees, such as this one, may need to gather information about how statutes are applied so that they can assess whether additional legislation is necessary, either to rectify practical problems in current law or to address problems not covered by current law. As a former congressional staffer and alumnus of the House Committee on Oversight, I can particularly appreciate that Congress’s oversight authority is essential to the performance of its constitutional functions and “information that committees gather in this oversight capacity is . . . important for the Executive Branch in the future implementation of the law and its participation in the legislative process.”¹ Oversight can shed valuable light on the Department’s operations and thereby assist the Department in addressing problems that might not otherwise have been clear.

Supporting Congress’s Information Needs

Every day, the Department devotes significant time and resources to supporting Congress’s needs for information. And while the Office of Legislative Affairs (OLA) coordinates and oversees this work, components throughout the Department share our responsibility of working with Congress. We do that in many ways. These efforts are worth highlighting because they are core to how we meet our responsibility to work with Congress even though they often do not receive much attention from the media or the public.

¹ Letter to Rep. John Linder, Chairman, Subcommittee on Rules and Organization of the House Committee on Rules, from Robert Raben, Assistant Attorney General, Office of Legislative Affairs, at 1 (Jan. 27, 2000) (“Linder Letter”).

Department officials and subject matter experts communicate with Members and staff nearly every week, if not every day, to provide detailed briefings about our programs and operations. For example, in recent months, the Department has met with Members and staff at Drug Enforcement Administration field offices to discuss our efforts to combat the fentanyl epidemic, offered tours of Bureau of Prisons facilities to discuss reforms, provided on-site briefings for congressional staff on the Bureau of Alcohol, Tobacco, Firearms and Explosives National Tracing Center, and demonstrated to Members and staff how the Federal Bureau of Investigation's (FBI) Criminal Justice Information Services Division executes firearms background checks. The Department is eager to share our work and collaborate with Congress to improve and enhance our service to the American people.

As discussed in our January 20, 2023, letter to the Committee explaining ways the Department can assist your work, we regularly provide technical assistance on draft or introduced legislation. This helps ensure the drafters are aware of how it may impact civil litigation, criminal investigations and prosecutions, grantmaking, and other matters within the Department's purview and to ensure its constitutionality. In providing such assistance, the Department brings considerable experience enforcing and defending the law and other legal expertise. OLA is also responsible for communications between Congress and the Department. In furtherance of that communication, the Department responds to several hundred letters received from both the House and Senate each year.

I am fortunate to lead a small office of attorneys and support staff at OLA, all of whom are dedicated public servants. They are available to work in good faith with your staff to address the Committee's oversight and other requests. Providing information to Congress is core to our mission and a regular part of what we do each day. The Department is proud of our steadfast efforts to fulfill these responsibilities to Congress and the public, whether this work happens outside the spotlight or inside the spotlight.

The Accommodation Process

Congress often needs information from the Executive Branch to legislate effectively, yet that need must be balanced with the Department's obligation to protect confidential information and other interests essential to performing the Executive Branch's constitutional and statutory functions in executing and enforcing the law.

To navigate this balance responsibly and minimize conflict between the Executive Branch and Congress, the Constitution requires both Branches to negotiate in good faith. As the D.C. Circuit explained in *United States v. AT&T*, the Constitution "contemplates . . . the expectation that where conflicts in scope of authority arose between the coordinate branches, a spirit of dynamic compromise would promote resolution of the dispute in the manner most likely to result in efficient and effective functioning of our governmental system."² This process is referred to as the

² See *United States v. AT&T*, 567 F.2d 121, 127 (D.C. Cir. 1977) (footnote omitted).

“accommodation process,” which in the vast majority of cases results in an acceptable outcome in which each Branch refrains from demanding strict adherence to the constitutional prerogatives it understands itself to possess and accepts instead a compromise as the most effective and efficient resolution.

The Executive Branch’s approach to the accommodation process is discussed in a 1982 memorandum from then-President Ronald Reagan. The memorandum noted that the process of negotiation and compromise is the “primary means of resolving conflicts between the Branches.”³ And in that spirit, it directed agencies to make good-faith attempts to accommodate Congress’s requests for information, just as Congress is obliged to make good-faith attempts to accommodate the Executive Branch’s confidentiality and other interests when requesting that information. In recent decades, there have been a handful of instances in which the Executive Branch and Congress have reached an impasse, sometimes resulting in an assertion of executive privilege. By contrast, successful compromises, generally achieved without fanfare, though not necessarily to the complete satisfaction of either side, often are made possible when both Branches hew to the accommodation process: It “is not simply an exchange of concessions or a test of political strength. It is an obligation of each branch to make a principled effort to acknowledge, and if possible to meet, the legitimate needs of the other branch.”⁴

Disputes over information requests have been resolved using this “tradition of negotiation and compromise” for more than 200 years.⁵ Yet the accommodation process can only operate properly when both Branches of government are approaching it in the same spirit of good faith. As former Attorney General Edward Levi explained nearly fifty years ago, “Inevitably, in a system of divided powers, there are points where responsibility conflicts, where legitimate interests and demands appear on either side. In such instances, accommodation and compromise reflecting the exigencies of the matter at hand have been not only possible but a felt necessity. The essence of compromise is that principle or power is surrendered by neither side, but that there is a respect for the responsibility of others and recognition of the need for flexibility and reconciliation of competing interests.”⁶

Department Efforts to Respond to the Committee’s Requests

To help both the Committee and the Department successfully engage in the accommodation process, we refer you to our January 20, 2023, letter to the Committee. As that letter noted, we share your belief that congressional oversight is vital to a well-functioning democracy, and we are committed to cooperating with the Committee’s legitimate efforts to seek information, consistent with our obligation to protect Executive Branch confidentiality interests. The January 20, 2023, letter therefore provides additional guidance on the Department’s longstanding approach to the accommodation process and the steps the Committee can take to help the Department provide what

³ Reagan Memorandum at 1.

⁴ *Assertion of Executive Privilege in Response to a Congressional Subpoena*, 5 Op. O.L.C. 27, 31 (1981).

⁵ *Trump v. Mazars USA, LLP*, 140 S. Ct. 2019, 2029–31 (2020).

⁶ Edward Levi, *Some Aspects of Separations of Powers* (1976), available at https://chicagounbound.uchicago.edu/cgi/viewcontent.cgi?article=6059&context=journal_articles.

you need.

Since the beginning of the 118th Congress, the Committee has sent over 30 letters to the Department and its components identifying more than 100 informational requests. The first letter was dated January 13, 2023, and the most recent was dated June 14, 2023. Your oversight requests contain at least 80 requests to search for and produce documents, over 20 requests for transcribed interviews, and four subpoenas: one to the Department dated February 2, 2023; two to the FBI dated February 2, 2023, and April 10, 2023; and one to an FBI employee dated April 24, 2023.⁷ These requests implicate the records of potentially thousands of Department employees. In response to these requests, the Department and its components have produced over 80,000 pages of documents, made 8 current employees available for 9 transcribed interviews, and provided or agreed to provide testimony by senior Department officials at multiple oversight hearings.

The Committee deviated from longstanding practice by issuing the four subpoenas at an early stage.⁸ The Department is complying with the Committee's requests voluntarily and in good faith consistent with the accommodation process. So that we may continue making progress toward satisfying your informational needs promptly and efficiently, we have treated the subpoenas as reflecting the Committee's prioritization among your many different requests. We remain willing to meet with the Committee to discuss ways to prioritize the Committee's many additional requests in light of our available resources and the Committee's interests.

We have actively sought to work with the Committee in the accommodation process, and we will continue to be responsive to Congress while respecting the integrity of the Department's work and other Executive Branch interests.⁹ Not only is the path of dialogue and negotiation the most effective way for the Department to provide the information you need without violating confidentiality interests or excessively burdening resources, the Constitution requires it of us both.¹⁰ Such standard staff-level discussions are a meaningful part of the accommodation process

⁷ Following negotiations between the Committee, the Department, and the FBI, the Committee withdrew its April 24, 2023, subpoena for testimony from former FBI Executive Assistant Director Jennifer Moore, who appeared voluntarily for two transcribed interviews.

⁸ The Department responded to your January 17, 2023, letter on January 20, 2023, explaining ways the Department can assist your work, and we offered to meet with your staff to discuss which of the more than 80 requests in your letter reflected the Committee's current priorities. The Committee did not respond to that offer before serving the Department with a subpoena on February 3, 2023, after which we offered again to meet and confer on the Committee's priorities. Likewise, in a meeting with FBI staff on January 17, 2023, the Committee declined to provide prioritization guidance. The FBI subsequently provided two document submissions and authorized the transcribed interview of former Executive Assistant Director Jill Sanborn. Your subpoena to the FBI includes requests for materials that were not referenced in your January 17, 2023, letter to the FBI, but the FBI nevertheless is working in good faith to respond to those requests as well. Our voluntary engagement makes compulsory process unnecessary and premature. See Letter from Assistant Attorney General Carlos F. Uriarte to Chairman Jim Jordan (Jan. 20, 2023); letter from Assistant Attorney General Carlos F. Uriarte to Chairman Jim Jordan (Feb. 8, 2023) (reiterating offer to meet and confer).

⁹ These interests are described in the 2000 letter the Department sent to then-Chairman John Linder. See generally Linder Letter, *supra*.

¹⁰ See *AT&T* at 127 ("[E]ach branch should take cognizance of an implicit constitutional mandate to seek optimal accommodation through a realistic evaluation of the needs of the conflicting branches in the particular fact situation. This aspect of our constitutional scheme avoids the mischief of polarization of disputes.").

because they have a long history of helping the Executive Branch and Congress reach agreement and avoid conflict. That should be our shared goal.

In conclusion, I emphasize again that the Department recognizes that congressional oversight is an important part of our system of government. We remain optimistic that, by working together cooperatively, we will be able to satisfy the Committee's legislative needs while also safeguarding the independence, integrity, and effectiveness of the Department's vital law enforcement efforts and prosecutorial responsibilities. The Department stands ready to continue this effort to accommodate your information needs.

Thank you again for the opportunity to testify. I would be happy to answer your questions.

Mr. CLINE. Thank you.

We'll now proceed under the five-minute rule with questions. The Chair is going to recognize himself for five minutes.

Ms. Buetow, understanding CISA's role in censorship on social media is a crucial part of the Committee's investigation into the apparent collusion between the Federal government and technology and social media companies.

Prior to today, the Committee had only received 200 pages of documents responsive to the April 28, 2023, subpoena. That subpoena was due on May 22, 2023. Mere hours before this hearing today, CISA produced additional documents pursuant to the subpoena, and we have not been able to review those documents before this hearing.

During a June 2nd phone call with Committee staff, CISA committed to asking DHS's chief counsel's office about the production timeline and size. When does CISA intend to make another production? How many productions does CISA anticipate making?

Ms. BUETOW. Thank you for your question, Mr. Chair.

I can appreciate a little bit of the frustration with the timeline of the document productions. It is correct that there was a production earlier today, and I am anticipating an additional production as soon as this afternoon.

Anytime we make productions, we work collaboratively across the components with our Office of General Counsel and OLA. We will continue to work with you and your staff in a meaningful way forward.

Mr. CLINE. Two productions in one day would be outstanding. The same day as the hearing makes it a little challenging.

Can you commit to producing additional documents, say, by July 6th? Is that—if you're looking at today, that would be reasonable.

Ms. BUETOW. Yes, Mr. Chair.

Mr. CLINE. That's great.

Now, why are the only documents that CISA has provided thus far are to the Committee's 200 pages of switchboarding emails?

Ms. BUETOW. So, as I mentioned, anytime we're doing any sort of document production, the Office of Legislative Affairs works with the components and the General Counsel to determine what is both responsive and appropriate and we continue to look for additional information. So, I think it would be beyond the scope of just the Office of Legislative Affairs to speak to the sequencing, but can commit to working with you moving forward.

Mr. CLINE. Now, you'd agree that the Committee's subpoena compels the production of additional categories of documents, correct?

Ms. BUETOW. Within the scope of the requests, we will continue to work with your staff, Mr. Chair.

Mr. CLINE. For example, the subpoena compels the production of certain documents and communications between or among CISA and the Executive Branch of the U.S. Government, correct?

Ms. BUETOW. As the Assistant Secretary for Legislative Affairs, I leave it to the Office of General Counsel to speak to what the subpoena compels or doesn't compel.

As for our office, I can commit that we will continue to work with your staff in a meaningful way.

Mr. CLINE. Can you tell me if those documents responsive to that request, certain documents and communications between CISA and the Executive Branch, are they included in the most recent production? Can you speak to that?

Ms. BUETOW. I'm unable to speak to that at this moment.

Mr. CLINE. OK.

The subpoena also compels the production of certain documents and communications internal to CISA, correct?

Ms. BUETOW. Respectfully, Mr. Chair, anything speaking to what a subpoena compels or doesn't compel is squarely within the lane of our Office of General Counsel. So, that would be a little bit outside of my lane to speak to.

Mr. CLINE. OK. So, you can't speak to whether those documents—internal documents are in the production today?

Ms. BUETOW. I cannot.

Mr. CLINE. OK.

The documents produced to the Committee contain redactions, numerous redactions, despite the subpoena explicitly instructing CISA to produce unredacted copies of the documents.

The Committee is requesting that CISA produce unredacted copies of the documents, as the subpoena compels them to do. Can you commit to that?

Ms. BUETOW. With regards to redactions, again, this is a space where the Office of General Counsel works with the Office of Legislative Affairs and our components. We look forward to working with your staff in terms of the accommodations process, but I would not say that I'm in a unilateral—I can unilaterally speak to what documents will or will not be redacted.

Mr. CLINE. Do you believe that it's appropriate for any agency, really, to fail to comply in a timely manner with the Committee's subpoenas and requests?

Ms. BUETOW. The department responds to every request it receives. As you can surely appreciate, we have over 70 committees of jurisdiction, so not always in the timetable contemplated. We do, as a the department, have a responsibility to be responsive to Congress.

Mr. CLINE. Thank you.

The Ranking Member is recognized for five minutes.

Mr. SWALWELL. For the Assistant Secretary, is it true that the department has responded to over 1,400 Congressional letters since January 20, 2021? Does that sound about accurate?

Ms. BUETOW. Yes.

Mr. SWALWELL. Recently, with the expiration of Title 42, what effect did that have across the workforce to try and control the migrant flow at the border?

Ms. BUETOW. With the lifting of Title 42, it was an all-hands-on-deck approach. If we take the Office of Legislative Affairs, for example, we conducted over 40 Member-level engagements, staff briefings engagement with stakeholders. So, I would say that it was all hands on deck.

Mr. SWALWELL. Mr. Uriarte, Assistant Attorney General, am I right that there's been five letters sent to the department from this Committee and each letter has been responded to? Is that right?

Mr. URIARTE. On the specific school boards topic?

Mr. SWALWELL. In the month of June. Sorry. In the month of June, how many letters were sent to you from this Committee?

Mr. URIARTE. That sounds correct, sir.

Mr. SWALWELL. Is it five?

Mr. URIARTE. Yes, that sounds correct.

Mr. SWALWELL. All five have been responded to?

Mr. URIARTE. That sounds correct. Yes.

Mr. SWALWELL. Madam Assistant Secretary, I want to talk about the Disinformation Governance Board.

Are you familiar with Nina Jankowicz?

Ms. BUETOW. Yes, I am.

Mr. SWALWELL. Who is she?

Ms. BUETOW. She was an employee through the department, as I understand it, related to the Disinformation Governance Board.

Mr. SWALWELL. Are you familiar with a post that the Chair of this Committee, Chair Jordan, made with respect to Ms. Jankowicz?

Ms. BUETOW. I am not.

Mr. SWALWELL. Not familiar with a falsely manipulated video of her head on a poster board, which was altered to make it appear that she supported a tool to alter Twitter posts?

Ms. BUETOW. I am not familiar with that, Ranking Member.

Mr. SWALWELL. Well, we ultimately learned, in light of the Chair doing it, that Ms. Jankowicz and her family received tens of thousands of death threats because of actions by MAGA individuals, including the Chair, who put that up there, and she had to engage private security. This happened at a time, I believe, that Ms. Jankowicz was nine months pregnant. Again, it was a misrepresentation to suggest she had done something she had not.

Is there a cost when disinformation comes from Congress to the employees at DHS? Do they receive death threats? Are they put in danger?

Ms. BUETOW. Ranking Member Swalwell, I would say that there is always a human cost when individuals are encouraged to behave poorly or believe mistruths.

Mr. SWALWELL. With respect to your agency, is it true that your agency has voluntarily provided, Madam Assistant Secretary, five employees for transcribed interviews? Is that correct?

Ms. BUETOW. That's correct, Representative Swalwell.

Mr. SWALWELL. In addition, will Secretary Mayorkas be freely appearing before the House Judiciary Committee any time soon?

Ms. BUETOW. Yes. He will be appearing in July.

Mr. SWALWELL. What else is your agency doing in response to the Chair's requests, as well as other Committees with oversight jurisdiction over the department?

Ms. BUETOW. I appreciate that question.

We are providing transcribed interviews to several Committees of jurisdiction. The Secretary has testified five times already this Congress.

With respect to this Committee and the requests to appear here, the Office of Legislative Affairs provided a briefing in May to discuss and scope the requests from the Committee. We remain open to engagement and providing additional information as needed.

Mr. SWALWELL. Thank you.

Mr. Uriarte, just so I understand—I know this as a prosecutor, but for the public: Will the department ever, in your mind—has it ever in the past, will it ever in the future, pierce grand jury secrecy in any investigation because a Republican or a Democrat asks? Why won't it?

Mr. URIARTE. Well, Congressman, thank you for the question.

As we've discussed previously, the department has a number of different confidentiality interests that are at play when there is an ongoing investigation. Those include information that would relate to the grand jury secrecy rules, which are, of course, statutory rules that require secrecy of information that is involved with a grand jury.

So, that is an additional protection that we must take into account whenever we are talking about these types of Congressional requests, including Congressional requests that involve ongoing matters.

Mr. SWALWELL. Thank you.

I yield back.

Ms. LEE. [Presiding.] Thank you.

The gentleman yields back.

At this time, I'll recognize myself for a period of five minutes of questions.

On April 10, 2023, the Committee subpoenaed FBI Director Wray for information regarding the FBI's handling of domestic violent extremism investigations against Catholic Americans and its effect on protected First Amendment activity.

On April 28, 2023, the FBI provided 248 pages of documents in response to the subpoena, but the FBI's production has still been partial and is deemed to be deficient at this point.

We do appreciate the partial compliance, but I have a series of questions for you, Mr. Uriarte, about that production and what remains to be provided to Congress.

In response to the Committee's April 10th subpoena, the FBI produced documents on April 28th. The production was accompanied by a cover letter from Acting Assistant Director Christopher Durham (ph) that said, quote, "Upon the completion of our internal review, the FBI will provide additional information on its findings to the Committee."

Can you speak to what step in the process the Bureau is currently in on that internal review and when we can anticipate an additional production?

Mr. URIARTE. Well, Congresswoman, thank you for the question.

As we spoke about last time, this is something that I take personally, given how problematic that particular document was. I know the FBI takes it very seriously as well. That's why they have sought to do this internal review by the Inspections Division.

I understand that this review is nearing the end. I don't know how close it is, but I understand it is wrapping up soon. The plan is, as I think has been indicated to the Committee previously, but just to make sure it's clear, the FBI plans to brief the Committee on the findings of that report.

The intention of that report is to both walk through what happened here, how this happened, and how the FBI can make sure

that another offensive product like the FBI Richmond product that we're speaking of now never happens again.

Ms. LEE. Well, certainly good to hear that we share that last objective.

One of the things that we believe is very pertinent to getting to the bottom of those important questions is understanding which personnel within either local law enforcement or within the Bureau were involved in the review and approval of the memo itself. That is one of the things that hasn't yet been disclosed to this Committee.

Is that part of your ongoing work for information that will ultimately be disclosed to us?

Mr. URIARTE. Thank you for the question, Congresswoman.

Yes, certainly, we are taking into account all the requests that the Committee has made.

Where we are in our own internal process is, we're continuing to work through a variety of information requests from the Committee, including the transcribed interviews. I mention those only because it is our understanding that the transcribed interviews have been a significant priority for the Committee, and that, as you know, takes significant time and investment on our end.

We're continuing to work through the requests, particularly on the Richmond item, recognizing that it is a priority for this Committee.

Ms. LEE. Last on that subject: Of the production that was previously made to the Committee, there were significant redactions therein of information that, to the Committee, appeared to be important for us to review.

Is part of this internal review process also consideration of what, if any, portions of the prior production are appropriate for disclosure in an unredacted State to us in the future?

Mr. URIARTE. Well, thanks for that question.

As I think we've talked about before, I view my job as being in a position to be able to, as efficiently and effectively as possible, get the Committee the information it needs. That is part of why we will sometimes include redactions on documents that are produced to the Committee. It enables us to protect our confidentiality interests but focus on getting the Committee the information that it's in search of.

When there are questions like you've raised about specific redactions or specific information that may underlie redactions, that is, part of the normal accommodations process. I'd love to have that continued conversation with you and your team.

Ms. LEE. On May 3, 2023, the Committee wrote to Director Davis of the U.S. Marshals Service requesting information about why radical left-wing groups have not been arrested for harassing and intimidating Supreme Court Justices outside of their private homes, pursuant to 18 U.S.C. 1507.

The submission deadline was May 17, 2023. To date, the Committee has not received a response to this outstanding request.

We've since reached out to both DOJ and the U.S. Marshals regarding the request, including a call to the department and its component on June 7th.

To date, we have not received a date certain by which we can expect a response. Can you provide insight for us on when we might expect a response to those requests?

Mr. URIARTE. Thank you, Congresswoman. I appreciate the question.

I know, again, we spoke about this previously. As you know, protection of the—

Ms. LEE. I understand, Mr. Uriarte, but you're articulating one of the Committee's concerns, is that these are topics that we've now had to raise in the context of these hearings on multiple occasions, which is why you're hearing an emphasis today on a request for dates certain and the articulation of a timeline by which we might actually have the responses, so that we can obviate the need to have further hearings where we ask these same types of questions of you.

Mr. URIARTE. Well, I certainly understand that interest, and I think we share that interest, Congresswoman.

As I think you can appreciate, the letter to the Marshals Service was a change, and it addressed new facts that had not been discussed previously, right? That was something that happened between the last hearing and this hearing. So, that changed the focus of what we were doing, in terms of responding to the requests.

Again, I think the important thing here is that we are continuing to work with staff. We had a collaborative discussion, as you mentioned, on June 7th. We hope to have a response for you in the near future.

Ms. LEE. Thank you, sir.

My time has elapsed. I will now recognize Mr. Ivey for five minutes.

Mr. IVEY. Thank you, Madam Chair. I appreciate it.

Thank you all for being here today.

I've got to express some frustration with the way the Committee and the Subcommittee are conducting themselves on this process. I think I said this at the last hearing; I know Department of Justice was at that one.

It's a little disappointing to see—like, I was looking at this, for example. This is May 25th. This is a letter from Jim Jordan to the Attorney General. This is demanding documents with respect to the Internal Revenue Service. There's a Whistleblower issue, apparently, that he had questions about.

One of the requests is,

All documents and communications between or among the Department of Justice and the Internal Revenue Service referring or relating to any investigations involving both the Department of Justice and the Internal Revenue Service from May 1, 2023, to the present.

Now, I guess that's only a two-day period, but, of course, the Department of Justice has an entire division that does nothing but handle tax cases, civil and criminal. The timeline for turning that around was June 8th, so whatever that is—what, 13 days or something.

Even if they had a longer period of time, the request for that volume of potential documents is ridiculous—talk about unduly burdensome—and runs into implications for things like, for example, if you have ongoing criminal cases or investigations where produc-

tion of those documents would be inappropriate because they could undermine a criminal investigation; could involve grand jury material, of course, which you can't turn over, as you just mentioned a moment ago, because of statutory restrictions, in absence of a court order.

I just think if we want to try and pursue information in some of these issues—and, to be blunt, I think a lot of these underlying issues are a little on the silly side, too. Certainly, I think we've got other things we could be doing beyond, sort of, the Loudoun County School Board issue, for example, and the Nina Jankowicz issue, which—I think the Judiciary Committee already deposed her, but continues to pursue these documents.

Just for background, Nina Jankowicz was an employee who, when her position was announced, you had Mr. Jordan and other Members of the House Republican caucus who raised issues about her that led to personal attacks on the internet and which triggered personal threats to her.

She had to hire a private security firm to protect her. They told her she needed to move from her house. She was eight months pregnant at the time. The security officer told her she needed to go to her gynecologist—her prenatal meetings in disguise in case somebody was after her.

To me, it feels like this is an inappropriate overreach of the authority to do oversight.

I'll note this, too. The attempt to comply has been significant, despite the machine-gun submissions of document requests and subpoenas. It looks like here, I'm reading,

The Department of Justice produced over 80,000 pages of documents, made eight current employees available for nine transcribed interviews, provided or agreed to provide testimony by senior department officials at multiple oversight hearings.

That doesn't include briefings and the like.

With respect to Homeland Security, the Secretary was up here before the Secretary was here and testified before the Homeland Security Committee.

So, I think it's important for us to be reasonable about the requests we make, even though I think, frankly, a lot of these requests are unreasonable and out of line. I guess it's sort of consistent with some of the other things we've had happen this week. The censure of Mr. Schiff I thought was completely inappropriate. Today we had actual votes on impeaching President Biden, which I think is just thoroughly ridiculous.

This seems to be consistent with that. That appears to be where the Republican caucus is going. That's disappointing, because the people have more important business to get done. That seems to be where we are.

At this point, Mr. Chair, I would move to adjourn the hearing.

Mr. MORAN. [Presiding.] The gentleman's time has expired.

We're not to the point where we're adjourning the hearing.

Mr. IVEY. Can we have a vote on that?

STAFF. On a motion to adjourn, that's nondebatable, and you have to have a vote right away.

Mr. MORAN. All right.

All those in favor of adjourning, say aye.

All opposed?

We're going to request a roll call vote.

If the clerk would call the roll.

STAFF. We'll have to get the clerk up here, so—

Mr. MORAN. All right. The Committee will suspend while we get the clerk.

[Recess.]

Mr. IVEY. In the spirit of cooperation, I will withdraw the motion.

Mr. MORAN. Thank you, Mr. Ivey.

All right. The motion to adjourn having been withdrawn, I'm going to recognize myself for five minutes. Then we'll exchange Chairs back to Mr. Cline.

So, let's get back to the questions.

Ms. Buetow—am I saying your name correctly?

Ms. BUETOW. Yes, Congressman.

Mr. MORAN. Good. I want to make sure I say that correctly for you.

I want to talk to you a little bit about a May 5, 2022, request for documents about the Disinformation Governance Board that was reiterated on November 18, 2022, by then-Ranking Member Jordan and then again on January 17, 2023, by Chair Jordan.

I want to show you a couple of documents up here, because we are talking about reasonableness. I appreciate Mr. Ivey talking about that. He talked about that extensively, about we want to be reasonable about what we're doing. So, let's take a look at these documents here for a second.

This is a redacted document. Can you tell me anything about Page 1 on this document that's been produced in response to the request for information on the Disinformation Governance Board?

Ms. BUETOW. With respect to redactions, as I've mentioned, the Office of Legislative Affairs works with the Office of General Counsel and its components to determine what material will actually be redacted.

Sitting here from this chair right now, I can't speak to the document that is up on the board at this time, but I'd be happy to work with your staff on any specific document production that you have concerns about.

Mr. MORAN. Are you able to tell me anything about any one of these four pages?

That's Page 1 you see there. It's got the heading on it. Or Page 2, which is a completely blank document. I want to show Pages 3 and 4.

If you know anything about these documents at all, are you able to tell me anything at all?

Ms. BUETOW. So, again, I'd be happy to work with your staff. The redaction process does not occur in a vacuum. As part of the accommodations process, we'd be happy to engage. Sitting here right now, I can't look at a whiteboard and speak to what's underneath it.

Mr. MORAN. I know. Neither can we. We'd like to know some of the information behind there.

So, I'm curious. In preparation for the hearing today, did you meet with the Office of Legislative Affairs to talk about the rea-

soning behind any of the redactions that were made on this or any of the documents?

Ms. BUETOW. So, anytime we go through a document production process, again, like, that trifecta—the Office of Legislative Affairs, which I lead; the Office of General Counsel; and the specific components that are impacted—work together to make those determinations. We work collaboratively as a team to determine what to keep and—

Mr. MORAN. I've redacted a whole lot of documents in my career. I don't know that I've ever actually redacted the entire before. Is this a customary practice for the Department of Homeland Security?

Ms. BUETOW. I think that there is longstanding practice in terms of protecting both the attorney-client privilege, PPI, and other law-enforcement-sensitive information. The Department of Homeland Security is a very large department, and we are uniquely situated.

Mr. MORAN. How long have you been with the Department of Homeland Security?

Ms. BUETOW. Since February 27, 2023, so about 3½ months.

Mr. MORAN. Oh, you've only been with them 3½ months.

Ms. BUETOW. Yes, sir.

Mr. MORAN. All right. So, in your experience in your career, have you dealt with document production before, not just with DHS but other places?

Ms. BUETOW. I spent nearly decade as a Senate staffer, so I've been on the receiving end.

Mr. MORAN. Yes.

Ms. BUETOW. So, I can appreciate the frustration.

Mr. MORAN. So, when you were on the receiving end and you saw documents like this, did it frustrate you?

Ms. BUETOW. Yes, Congressman, it did.

Mr. MORAN. Yes. It frustrated you, because you really wanted to get some information to understand and hold to account the department you were talking to or get some transparency of the department. Is that right?

Ms. BUETOW. I consider the role that I'm in right now the opportunity of a lifetime. I can appreciate the frustration. I am committed to working with you and your staff to get you the information you need.

Mr. MORAN. So, when you can commit to get me the information—or, this Committee or the staff information about what exactly is behind the veil here?

Ms. BUETOW. So, with respect to redacted information, it is often a case-by-case basis. In putting a specific timeline, again, I'm happy to connect our staffs and work expeditiously. I can appreciate that all of you have been pushing for this information. I am happy to work for this department and this administration, and I'm looking forward to working with you.

Mr. MORAN. Yes. Same to you, because I know if you've been on this side of the dais before, it is frustrating when you ask for documents and you don't get anything.

Quite frankly, I think the folks in the Committee and the Committee itself is being reasonable with respect to this and a lot of other documents and trying to just understand what went on with

respect to the issues surrounding the Disinformation Governance Board.

So how about in the next two weeks? Do you think you could look at just this document—let's just start with that—and tell us what's behind the veil and get that information to us?

Ms. BUETOW. Thank you, Congressman. I want to be respectful and careful to exactly what that one page is. I can commit that within the next two weeks that our staffs will get that conversation rolling, and we'll roll in the right direction, sir.

Mr. MORAN. OK. I appreciate it.

I'm out of time. I'll yield back.

We're going to start a second round—or Mr. Cline?

All right. We've got a second round up.

So, Mr. Swalwell, the floor is yours. You have five minutes, unless we've got another motion from Mr. Ivey.

All right.

Mr. SWALWELL. Thanks.

Mr. Uriarte, how many witnesses has Chair Jordan demanded that the FBI send for a transcribed interview?

Mr. URIARTE. Congressman, thanks for the question.

I don't have the exact number in front of me. I'm trying to read very small print here. I think it is about 20.

Mr. SWALWELL. How many have appeared?

Mr. URIARTE. As I said, we've made eight current employees available for nine transcribed interviews.

Mr. SWALWELL. Broadly speaking, what type of prep is required before a witness can appear for a transcribed interview?

Mr. URIARTE. Well, as you know, I'm sure, many of the people who they're asking to appear are career special agents at the FBI who don't regularly deal with Congress as part of their day-to-day jobs. So, they want to have a conversation with someone in my office, in the Office of Congressional Affairs at the FBI, to understand what this interaction looks like, to understand what types of questions they may get, to be able to ensure that the information they're providing to Congress is accurate.

I think that is in not only the FBI and the department's interest, but also in Congress's interest, to make sure that those engagements are as fruitful as possible. That takes dozens of hours just to get one person available for a transcribed interview.

Mr. SWALWELL. OK. Well, Mr. Uriarte, please pass along to the Department of Justice my gratitude and, I actually think, the gratitude of most of my colleagues, Republicans and Democrats, for what law enforcement does every day.

The way I see it, you all are working very hard to take down the bad guys. You catch the terrorists. You catch the bank robbers. You catch the people that exploit children. You go after people that abuse COVID funds. We're seeing billions of dollars of abuse there. You're making sure that there's integrity in public service. So, thank you for doing that.

I don't want to defund you. The Chair of this Committee wants to defund you, and he and others are raising money off of the idea of defunding the police. I don't want to do that.

I also just sit here stunned after this hearing, again—so if they're the Cleveland Browns, they've lost another game en route

to a 0-and-16 season by the end of next year. I still don't understand now, and it was not explained to me by Chair Jordan or anyone a part of this Committee, why they're not with Bill Barr anymore.

Again, just to recap, Jim Jordan loves Bill Barr. "Bill Barr is doing the Lord's work," Jim Jordan said. "Thank God for Bill Barr." It's biblical when it comes to Jim Jordan and Bill Barr. "Bill Barr is pursuing the truth, exactly what Americans want from their Attorney General."

So, what does Bill Barr think about the Mar-a-Lago raid, which Jim Jordan and others are upset about and the reason they've dragged the Department of Justice here? Again, Bill Barr thinks, "The effort to present Trump as a victim in the Mar-a-Lago document affair is a cynical political propaganda exercise." He says, "Trump's toast." Barr said just this month, "The government acted responsibly, and it was Donald J. Trump who acted irresponsibly."

So, I don't what happened. I can only assume that, when it comes to Bill Barr, Jim Jordan is all in until Bill Barr departs with the one client that this Committee fights for every day, and that's Donald Trump.

That's too bad. That's too bad because, as we have seen, Donald Trump has no regard for the law. Anyone who defends him is going to be a foot soldier and a footnote in history books that chronicle his corruption.

I yield back.

Mr. MORAN. The gentleman yields back.

I'm going to recognize myself for a second round of questions, and then we'll go over to Mr. Ivey.

Ms. Buetow, I want to come back to you really quick. I want to talk about some documents that were requested of information related to targeting parents at school board meetings. This week, the Committee received about 496 pages of mostly redacted documents relating to that specific issue.

Do you know what the privilege was that was being asserted for any of the redactions in those documents?

Ms. BUETOW. With respect to redactions, the purpose of redactions from the department are typically attorney-client privilege, deliberative materials.

Without looking at a specific document, I can't speak to it. Additionally, I'm not certain, in that space, it would be appropriate for me to speak to that, in this venue. Again, I'd be happy to work with you.

Mr. MORAN. How would we be able to get somebody in front of us that would be able to talk about those issues specifically?

Because what we really need out of a witness here is to be able to talk about the privileges asserted and what the basis is for them and why we're getting so many redacted documents.

Though I sympathize with your position, having just been there three, four or five months and maybe not having taken an integral part in the production of these documents, when we ask for a witness to come here, we need a witness that can actually give us those answers.

Who would we talk to about that?

Ms. BUETOW. So, I can appreciate that concern. I think the role that I play here and any of leg. affairs offices are to be a conduit between Congress and the agency.

Each one of these redactions, none of them exist in a vacuum, so we take them on a case-by-case basis. So, with respect to the document you're referencing now, happy to see if through the accommodations process, we get you additional information. I commit to working with you.

Mr. MORAN. Yes. My line of questioning now really just relates to the 496 pages of mostly redacted documents that were just recently given to the Committee—this week, in fact, just this last week. Did you take part in gathering those documents together and producing those documents? Was that part of what you did?

Ms. BUETOW. With any document production, including redactions, it is a collaborative effort between the Office of Legislative Affairs.

Mr. MORAN. I get that. I just want to know if you were involved in that.

Ms. BUETOW. With respect to this production, as you know this request has been outstanding for some time and it's been a ruling. So, some materials may have gone into process before I was even at the department. So, yes, I participate. I can't say that page A started before I got there or after I got there, but yes, I was part of the production.

Mr. MORAN. OK. Who was the person, because I know when we produce documents on behalf of the client, somebody at the end of the day looked at the bevy of documents before they went out the door and said, OK, here is what we've got, here is what we're giving. Who was that person?

Ms. BUETOW. Congressman, I understand it is dissatisfying. It is a collaborative effort.

Mr. MORAN. I get that. Collecting the documents, get them together, yes. At some point somebody is actually going to review the last set of documents going out of door. They are going to say, OK, I approve this going out the door. Who's that person?

Ms. BUETOW. I don't believe it comes down it a single person at the end of the day. That's not how it operates within the department.

Mr. MORAN. Somebody has to send those documents out of door. Right?

Ms. BUETOW. Yes.

Mr. MORAN. So, who is the person that sent these 496 pages out the door? Was it a secretary, was it an assistant? Was it somebody with authority to look at the stack of documents and say, yes these are the ones we approve to send out.

Ms. BUETOW. Congressman, I want to verify, but I believe at the end of the day the person who actually pushes the button is not necessarily someone who is part of the chain of determining what goes out of the door.

Mr. MORAN. That doesn't give me warm and fuzzies. You said the person who kind of pushed the button is not really involved in determining what goes out the door. It seems like that is the person determining what goes out the door. So, who is that person?

Ms. BUETOW. With respect to correspondence, inquiries, productions. I do believe, as you've notated, I've been at the department for 3½ months. We typically have a process where we receive incoming information. It is then designated to various components. If it goes to a component or if it's addressed to headquarters, it goes to headquarters. In an instance where there is a component element that is where legislative affairs works with the component, works with general counsel, everyone works together. There is an executive secretary that pushes information out. I do think there are some nuances with respect to document production, but I want to make sure I don't get too far—

Mr. MORAN. I know. I feel bad for you, because you're here and you're trying. You don't really have all the information to give us the answers we need. I feel very bad for you because you're in that position. That's why I'm asking who needs to be in this spot, who needs to be in the hot seat so we can just ask questions.

I haven't been rude to you today, I don't think. I haven't asked any unreasonable questions, not to my knowledge. I am really just trying to ask reasonable questions and I need answers to those. You can't give them to me, so I need to know who is that person.

Ms. BUETOW. Congressman, I appreciate the treatment here today, and I'm honored to be here. I am also honored to be in this seat. You will get the answers you're seeking.

Mr. MORAN. OK. I will take you at your word.

Ms. BUETOW. Thank you, sir.

Mr. MORAN. Mr. Ivey, you're up next. The floor is yours.

Mr. IVEY. Thank you, Mr. Chair. I appreciate it. Just along the lines of the last couple of versions of the conversation. I know you were asked about identifying the redacted documents, and I guess I'm trying to figure out what kind of timeline you could provide answers about them.

I guess I would say as having been at the other side of that is it's hard for you to make that kind of assumption or guess even because you might not know the reasons for why it was redacted. So, even though you might be able to physically produce it in a matter of hours, if there's a legal requirement that required the redactions and say a court order is necessary to get beyond the redactions and produce the information, you can't do that without the court order and you don't know what the timeline is going to be for that.

With respect to the—who can give the answers about timing and some of the specifics about the document request, my suggestion is also a former staffer just like you, what we did during the White-water hearings was that we actually had meetings between the staff and members of those departments who were making those decisions.

What was good about that was for example if you have a redaction discussion that involves information that's confidential or otherwise not to be made public, trying to have that discussion in a public hearing doesn't work very well.

So, having them behind closed doors where you can have candid—why was this redacted? Well, it was redacted because of this. So, my suggestion would be to have much more robust and extensive meetings at the staff level of the Committee prior to us having a Committee hearing. Include us as well on the minority side so

that some of these answers can be addressed I think in a more productive way than having hearings for these sorts of things. Whereby necessity, they sent one person up who doesn't have all the answers because there are multiple departments that are involved in making these decisions.

With respect to CISA, you know, we got a lot of this on the Homeland Security Committee, and this goes to the conspiracy theories with respect to disinformation, namely that the Biden Administration is attempting to mislead the public or abuse social media and the like. The only conversation I would say—the part of the conversation that's missing there is the fact that the United States has competitors like China, Russia, terrorists Sinaloa Cartel, and others that are actively engaged in disinformation in the United States.

That includes in elections, and we know the Russians were involved in submitting disinformation in 2020. In fact, Mr. Durham said that yesterday at the hearing when he came up here to testify. So, it's important I think for the United States to try and address that.

Unfortunately, Chair Jordan, Mr. Gaetz, and some others engaged in disinformation in some of the comments they made about the panel that was set up at the Department of Homeland Security, and that included the personal attacks on Ms. Jankowicz, which undermined our ability to respond to some of these sorts of disinformation pieces.

I would just say this too, I know there's a sense that with respect to disinformation the government can't and shouldn't be in the business of determining what's true or not. I think we do have to be careful, especially when it comes to political positions. There's also points where we clearly need the government to be involved and it's really made a difference.

Just a couple of quick ones. Information about tobacco when I was a kid it was—and I lived in North Carolina, so tobacco was everywhere. It wasn't known that tobacco was killing people. Public efforts and public campaigns to address that and provide information, accurate information to the public made a difference there, even though the tobacco companies were saying at the time that the public—the government was providing false information. Drunk driving was another one, seat belts was another one, too.

One of the ones we've got right now, there is sort of a growing movement with respect to active shooter issues. People making false calls about whether there's actually an active shooter in a local school. I think it would be good for the government, whether it is a local or State government in that community to put out the correct information, no, there's not an active shooter going on. That sort of information, emergency scenarios and the like. I think it's important for us to be able, the government, Federal, State, and local to be able to put out information and that addresses these sorts of issues because I think it benefits the public.

With that, I'll yield back.

Mr. CLINE. [Presiding.] I thank the gentleman.

Mr. Uriarte, on May 24, 2022, we sent a letter to FBI Director Wray for information about nearly 3.4 million queries that the agency made to a data base of information collected without war-

rants under Section 702 of the Foreign Intelligence Surveillance Act or FISA.

The Committee renewed this request in the 118th Congress via letter dated January 17, 2023. The FBI produced classified documents on March 14, 2023, and scheduled a demonstration of its FISA 702 capabilities for Committee staff. In April 2023, the Office of the Director of National Intelligence released its annual statistical transparency report for calendar year 2022, which noted that the FBI conducted over 200,000 warrantless queries of U.S. person communications that year.

Still the Committee's request from its May 24, 2022, letter remains outstanding. When can the Committee expect that these requests be fulfilled.

Mr. URIARTE. Well, Congressman, thank you for the question. As we've discussed previously when renewing FISA and Section 702 specifically is a high priority for the department. In this instance as you identified we have taken steps to try to be responsive to the Committee's request. I was not tracking frankly that there were still outstanding aspects of that request, but I'm happy to take that back.

I'm confident that we can get that information to you. Again, we believe that Congress is—authorities here are important, particularly the oversight matter. Our goal is to have a robust and candid conversation about reforms of FISA, including with this Committee to make sure that we can reauthorize this Committee to protect the American people.

Mr. CLINE. Well, it will definitely be candid. How robust it will be and how frequent these will be always is determined by the responsiveness of you and the agency. Has the FBI made any efforts to calculate the number of unique query terms that refer to U.S. person? Does the FBI have the capability to calculate that number?

Mr. URIARTE. Congressman, that's a very good question. I don't have the answer sitting here today, but I'm happy to take that back.

Mr. CLINE. In addition to the request in the May 24, 2022, letter will the FBI provide a full accounting of the U.S. person queries conducted by the FBI in calendar year 2022?

Mr. URIARTE. Again, I'm happy to take that back, Congressman.

Mr. CLINE. Can you commit to providing the Committee with additional documents responsive to the Committee's request by July 6th?

Mr. URIARTE. I don't want to overstate my ability to commit by the date certain, but I am confident that we can work with you and the staff to get you that information.

Mr. CLINE. OK.

With that, I'm going to yield five minutes to—

Mr. IVEY. Mr. Chair, if I might.

Mr. CLINE. The gentleman from Maryland.

Mr. IVEY. The speaker said we should be on the floor by 3:25 p.m. In the spirit of cooperation, I said we could move forward. I note some Members have just arrived and I normally wouldn't object to anybody having a chance to speak, but I would ask that we be given the chance to go to the floor.

Mr. CLINE. My understanding is 4:00 p.m. is when the address begins.

Mr. IVEY. The address begins at 4:00 p.m., but thought, as I said, I thought the speaker told us to be there at 3:25 p.m. and—

Mr. CLINE. I appreciate you listening to the speaker on this occasion.

Mr. IVEY. It's been tough to do this week, I must say. Yesterday, in particular, was extremely tough.

Mr. CLINE. We'll get you there. We'll get you there.

Let me recognize the gentleman from New Jersey for five minutes and we'll go from there. I'll talk to the gentlelady as well. I think she has some more questions as well.

OK. Hang on.

She only did one round. So, since you got two. Let me go to the gentleman from New Jersey, he's recognized for five minutes. I only took half of my time.

Mr. VAN DREW. Thank you, Mr. Chair.

Here we are once again, finding ourselves in a time when justice once a pillar supporting our democracy seems to become a simple commodity. Available in different forms and delivered at varying speeds depending upon who the target is. There is no clearer example of this than our Federal government's treatment of Hunter Biden. Just this week Americans watched in disappointed awe as the son of the President of the United States received a sweetheart deal on tax fraud and a felony gun possession. Can you fathom for a moment the consequences for one of my constituents if they committed even a fraction of what Hunter Biden has done? If any of you did it, you'd be in jail. A gun infraction of that magnitude, putting a false Social Security number in an application while you're high.

Yet, we have hundreds of probably thousands—I'm wrong, not hundreds, thousands of individual people who've committed accidental mistakes with a gun where they didn't have their permit with them, where they went into another State where they are not permitted. It just happened recently to a young Black woman a little time back. She had no infractions against her. Didn't do anything wrong, didn't even have a parking ticket and she crossed over from Pennsylvania, where she had a license to carry, into New Jersey. She was stopped by a State trooper. The first thing she told them is I have a gun. I have a license for it. She didn't realize she needed to have a separate license for the State of New Jersey.

Never committed any crime whatsoever, not even a speeding ticket. Single, Black mom. You think she got the treatment Hunter did? She didn't, she got three years in jail, three years in jail. Justice for you, but not for me. Is that what's coming out now? This behavior is why so many in our country, me included, continue to grow more and more frustrated and angrier and angrier with their Federal government.

So, while the DOJ lets Hunter Biden walk free and continue to parade around the world doing God knows what—and some more information just came out today that's unbelievable from the IRS Whistleblower, it's going to really rock everybody's world a little bit and it involves the President. We're going to push for answers. We're going to push for answers because that's what the American

people want. What do you know, the same DOJ letting Hunter Biden off the hook also continues to slow walk any and all material requests on this topic despite months of requests. We get it, we know what you're doing.

Mr. Uriarte, you're a nice day. I really do, I think you are. You're a nice man. I like you. I thank you for coming back today. Enough is enough. We must either be on the side of a system of justice that ensures fair and equal treatment for all or you're on the side of a system that caters to the privileged and the powerful.

A system that bends the rules for those with connections while the average American is left bearing the brunt of its harshness. There is no middle ground here. There is no room for compromise.

So, Mr. Uriarte, I will ask you very clearly again, given the gravity of this Committee's concerns, why did we receive an insubstantial response from the United States Attorney, David Weiss, rather than a direct response from the Attorney General of the United States to whom we addressed our May 25th letter regarding the removal of an IRS Whistleblower—some of that more is coming out today from the Hunter Biden investigation. If you can do it quickly, I'd appreciate it. Thank you.

Mr. URIARTE. Congressman, thank you for the question.

As the Attorney General has said, our goal is to treat like cases alike and to in this circumstance ensure that we can demonstrate some independence related to this matter. The Attorney General has supported U.S. Attorney Weiss who was appointed under the prior administration continuing this investigation and response to the letter that we received from the Committee which had specific questions about his investigation.

Mr. VAN DREW. Thank you. We've heard that before. Can you guarantee that the Committee will receive a detailed and substantive response to our May 25th letter, that was a long time ago, by July 6th from Attorney General Garland himself and not from a delegate, not from one of his delegates. What does he think? What's he going to say?

Mr. URIARTE. Well, Congressman, part of my responsibility under the Justice Manual is to respond to letters from Congress. So, that is obviously something we'll take into account as we determine how best to proceed from here.

Mr. VAN DREW. I still have no answer.

Thank you. I yield back.

Ms. LEE. [Presiding.] All right. The gentleman yields back.

I will have a brief second round of questions myself, Ms. Buetow, on April 28, 2022, the Committee held a hearing entitled, "Oversight of the Department of Homeland Security," with DHS Secretary Alejandro Mayorkas testifying as the witness. Chair Jordan then in his capacity as Ranking Member requested information as to whether 42 individuals on the Terrorist Screening Data base who were encountered at our Southwest border were released into the United States. Despite Secretary Mayorkas saying, "Congressman, I will deliver you a response" this Committee still does not have this information.

In the meantime, the department has encountered another 136 individuals on the terrorist screen data base between our ports of entry at the Southwest border. Chair Jordan repeated this request

for information in a May 2, 2022, letter to DHS which was reiterated in the January 17, 2023, letter containing an itemized list of all outstanding requests.

When will the department provide the Committee with a number of illegal aliens on the terrorist watch list who have been encountered at the Southwest border and subsequently released into the United States, as well as the current status and disposition of each of these cases?

Ms. BUETOW. Congresswoman, I can appreciate your question and your patience. We are currently in the process of scheduling a classified briefing for both members and cleared staff. We at the department want to be responsive while also, respecting our obligations to privacy, national security and other interests.

Ms. LEE. Do you have any sense of the timeline for setting said classified briefing?

Ms. BUETOW. Thank you. I can get right back to your staff today actually with more of a timeline. I know the conversation are ongoing.

Ms. LEE. On November 22, 2022, then Ranking Member Jordan and Senator Grassley requested information from the department regarding the categorical parole program created for Venezuelan nationals. The department partially responded to this letter on April 28, 2023, but failed to provide any responses to 23 of the 24 requests for information. Instead, the department's response contained a large amount of unrelated language related to the desire for unrelated legislation.

The Committee reiterated this request multiple times and updated the request to include the additional countries the administration has added to the illegal parole programs. In a meeting with DHS staff on May 16, 2023, the department stated that there was an attachment that was intended to accompany the letter that was not included. Can you tell us what steps have been taken to provide the information requested and on what timeline we might receive it?

Ms. BUETOW. Thank you. I understand that there was an attachment that was intended to be attached to a response to a letter that was not. The department takes its obligation to provide accurate and complete responses very seriously and we will work to achieve that end. With respect to a timeline for additional information, this is an issue that we are working very, very hard on. I would expect movement on this production within a very short timeline. Again, I don't want to, like, over commit a specific day, but I can tell you we are tracking this very closely and I would anticipate something very soon.

Ms. LEE. All right.

I would like to thank the witnesses for appearing today at today's hearing and the Committee Members for their participation. This concludes today's hearing.

Without objection, Members will have five legislative days to submit additional written questions for witnesses or additional materials for the record.

Without objection, this hearing is adjourned.

[Whereupon, at 3:44 p.m., the Subcommittee was adjourned.]

All materials submitted for the record by Members of the Subcommittee on Responsiveness and Accountability to Oversight can be found at: <https://docs.house.gov/Committee/Calendar/ByEvent.aspx?EventID=116140>.

